

**Opening Statement of the Honorable John Shimkus**  
**Subcommittee on Environment and the Economy**  
**Hearing on The Chemical Facility Anti-Terrorism Standards Program – A Progress Report**  
**September 11, 2012**  
*(As Prepared for Delivery)*

We have a very full hearing today and the House and the Committee have an ambitious schedule. We appreciate everyone's indulgence as we try to navigate all the considerations we face today. The Chair now recognizes himself for the purpose of delivering an opening statement.

Many folks have commented about our hearing being scheduled for 9-11 – the 11th anniversary of the horrific attacks against our nation. Although today's hearing falling on the anniversary is a coincidence, the attacks were the driving force behind the creation of the Chemical Facility Anti-Terrorism Standards program, and we remain steadfast in our work to protect the American people from future attacks. I can guarantee that we will continue closely following the progress the Department of Homeland Security is making in fully implementing the CFATS program.

This past February, the subcommittee held a hearing which discussed enormous challenges confronting the CFATS program's execution. Sadly, this was a story contradicting most every ounce of previous testimony Congress had been provided by DHS and the regulated community about the soundness of DHS's implementation efforts. While I am glad the two brave employees penned the internal memo outlining the true state of play for CFATS, Congress shares some culpability in having allowed it to get this bad without greater oversight.

I support the CFATS statute and I think the regulations implementing the law are reasonable. I want it to succeed because I think it presents the best solution for dealing with terrorism at facilities with chemicals of interest. However, I do not support waste, fraud, and abuse -- and it seemed we had a bipartisan consensus on this point at the last CFATS hearing.

Seven months after our panel first heard sworn testimony from Under Secretary Beers about the state of CFATS and its plan forward today is our checkup on how things are going at DHS.

For all the support Congress has given over the years, CFATS should have more to show than repelling ropes, hazmat suits, and delayed implementation.

I understand DHS intends to tell us it has completed or implemented 59 or its 95 corrective "action" items. While I congratulate them for making progress, I want to know about how we are moving forward on the 36 remaining items, including the use of alternate security programs and the personnel surety program. I also believe DHS is working on an alignment plan and finally making efforts to hire permanent branch chiefs. What I want to hear is whether DHS leadership has scoped out the job descriptions for these managers or if DHS intends to have their employees write the boss's job description. In addition, I want to know what DHS is doing to assure management continuity and reverse the constant turnover of CFATS leadership career employees.

Finally, Under Secretary Beers made several attempts in our February hearing to describe how he intends to create a more open, transparent and collaborative National Protection and Programs Directorate and thaw the chill from fear of retaliation employees felt if they delivered bad news. I want to know how that is going as well as examine concrete examples of his efforts.

I want to sincerely welcome all of our witnesses, we appreciate your being here and the perspective you provide. I will warn you: We are going to ask tough questions, and not for any reason other than because we are serious about protecting the American people from terrorism in the most appropriate way. We expect candor and the whole truth in response to our inquiries.

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